

REMARKS

The Office Action of June 13, 2007 has been reviewed and the Examiner's comments carefully considered. Claims 10-25 are pending in this application, and claim 10 is in independent form.

Claims 10-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Japanese Patent Publication No. JP 2003-057111 to Hirano et al. (hereinafter "the Hirano publication"). In view of the following remarks, the Applicants respectfully request reconsideration of this rejection.

Initially, the Applicants would like to note that the Hirano publication does not qualify as prior art under 35 U.S.C. §102(e) as the Examiner contends because it is **not** an application for patent, published under section 122(b), filed by another in the United States, a patent granted on an application for patent by another filed in the United States or an international application filed under the treaty defined in section 351(a) that has designated the United States and was published in English. Instead, it is an application filed in and published by the Japanese Patent Office.

Nevertheless, the Hirano publication has a publication date of February 26, 2003. The above-identified application is the U.S. national phase application of International Application Number PCT/JP2004/003993, filed March 23, 2004. Additionally, the above-identified application claims priority to Japanese Patent Application No. 2003-082589, filed March 25, 2003. The Applicants submit herewith a certified English translation of Japanese Patent Application No. 2003-082589. Accordingly, the claims of the above-identified application should be granted an effective filing date of March 25, 2003.

Therefore, the Hirano publication qualifies as prior art only under 35 U.S.C. §102(a) because it has a publication date (February 26, 2003) that is less than one (1) year prior to the effective filing date (March 25, 2003) of the above-identified application.

Furthermore, the Manual of Patent Examining Procedure § 706.02(b) provides that a rejection under 35 U.S.C. §102(a) can be overcome by filing affidavit or declaration under 37 CFR § 1.132 showing that a prior art reference is not by "another". Accordingly, the Applicants submit herewith a Declaration Under 37 C.F.R. §1.132 executed by each of the Applicants. This declaration unequivocally certifies that the four named inventors of the above-identified application were also the inventors of the Hirano publication. Therefore, the

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Hirano publication and the above-identified application have the same inventive entity, and the Hirano publication does not qualify as prior art under 35 U.S.C. §102(a) because the reference is not by "another".

For all the foregoing reasons, the Applicants believe that claims 10-25 are in condition for allowance. Reconsideration of the rejection and allowance of all pending claims 10-25 are respectfully requested.

Respectfully submitted,

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